

UNITED STATES DISTRICT COURT

FILED
CHARLOTTE, NC

for the

Western District of North Carolina

JUN 14 2018

United States of America

v.

Ekelyon Sharod BERRY

Defendant(s)

Case No. 3:18-mj-193

US District Court
Western District of NC

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/30/2018 in the county of Caldwell in the
Western District of North Carolina, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. 841(a) and 841(b)(1)(C)	Possession with intent to distribute a mixture and substance containing a detectable amount of methamphetamine.
18 U.S.C. 924(c)	Possession of firearms in furtherance of drug trafficking.
18 U.S.C. 922(g)(1)	Possession of firearms as a convicted felon.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

James Wingler, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/14/2018*Judge's signature*City and state: Charlotte, North Carolina

U.S. Magistrate Judge David C. Keesler

Printed name and title

ATTACHMENT A:
Affidavit in Support of Criminal Complaint and Arrest Warrant
for Ekelyon Sharod BERRY

I, James Wingler, Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn and deposed, state as follows:

BACKGROUND/INTRODUCTION

1. Your Affiant is an investigator or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for, the offenses enumerated in Title 8, 18, 19, 21, 31 United States Code and other related offenses.

2. I have been a special agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Justice Department for over 4 years. I am currently assigned to the Charlotte, North Carolina Field Office. My duties involve the investigation of federal firearms offenses and associated violent crime and narcotics offenses.

3. Prior to serving as an ATF Special Agent, I was employed with the Iredell County Sheriff's Office in Statesville, North Carolina for six years. While with the Iredell County Sheriff's Office I was also assigned as a Task Force Officer with ATF for approximately 2 years. Prior to that position I was employed as a police officer with the Hickory Police Department in North Carolina for five and one-half years. In these positions, I investigated various criminal offenses, including those related to firearms.

4. I have successfully completed the North Carolina Basic Law Enforcement Training and numerous hours of training in excess of 1000 hours at various other colleges in the State of North Carolina through on going in service training. I am a graduate of the Federal Law Enforcement

Training Center and the ATF National Academy. I have received additional specialized training for advanced interviewing techniques and tactical training.

5. As a result of my personal participation in the investigation of matters referred to in this Affidavit, and based upon reports made to me by other law enforcement officials, I am familiar with the facts and circumstances of this investigation. The information contained in this Affidavit is provided for the limited purpose of establishing probable cause in support of a criminal complaint and arrest warrant for **Defendant Ekelyon Sharod BERRY**; therefore, I have not included each and every fact known to me concerning this investigation.

SYNOPSIS OF INVESTIGATION

6. On March 30, 2018, in Caldwell County, within the Western District of North Carolina, the following took place:

7. Law enforcement was on the lookout for the Ford F-150 belonging to Defendant Ekelyon Sharod BERRY, because an informant advised that BERRY, a known felon who had outstanding warrants, was in possession of firearms.

8. When law enforcement spotted his F-150 that same day, Defendant BERRY took off and led law enforcement on a high-speed pursuit, during the course of which, two passengers bailed from the vehicle, and during which he almost hit two deputies and did hit the hand of a third deputy. Eventually, he wrecked his vehicle and, while law enforcement attempted to arrest him, he appeared in two different moments to attempt to obtain one of his firearms. In total, within BERRY's vehicle, law enforcement seized four firearms, all of which were manufactured outside the State of North Carolina and, thus, traveled in and affected interstate commerce: One Stevens model 320 12-gauge shotgun (serial number 123065V), one Marlin/Glenfield model 60

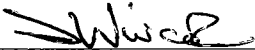
.22 caliber rifle (serial number 23313154), one Westernfield .22 caliber rifle (serial number SB836R), and one Springfield model 67 12-gauge shotgun (serial number B045795).

9. Search incident to Defendant BERRY's arrest, law enforcement seized 13.4 grams of methamphetamine (approximately 130 dosage units, so they were possessed with intent to distribute), and \$330 in U.S. currency in his right front pants pocket. Based on the facts of this case, BERRY possessed the firearms in furtherance of drug trafficking.

10. Defendant BERRY has previously been convicted of Robbery with Dangerous Weapon, Breaking & Entering in 2011 (so he has a felony – that is, he has been convicted of a crime punishable by more than one year of imprisonment -- and was prohibited from possessing firearms on 3/30/2018, because he had not been pardoned and his conviction has not been expunged), as well as Contempt in 2008.

CONCLUSION

Based upon training, experience, and the facts of this investigation, I submit that there is probable cause for a criminal complaint against, and arrest warrant for, **Defendant Ekelyon Sharod BERRY**, possession with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(C); possession of firearms in furtherance of drug trafficking, in violation of Title 18, United States Code, Section 924(c); and possession of firearms as a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1); therefore, I request that the Court issue the same.



JAMES WINGLER
ATF SPECIAL AGENT

AUSA Steven R. Kaufman has reviewed this Affidavit.

Subscribed and sworn to by me this 14th day of June 2018.



THE HONORABLE DAVID C. KEESLER
UNITED STATES MAGISTRATE JUDGE